

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:

S. FOSTER EASLEY, D.O.
Holder of License No. 3212 for the
practice of osteopathic medicine in the
State of Arizona.

)
)
) **STIPULATION AND CONSENT**
) **ORDER OF SUSPENSION OF LICENSE**
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)

STIPULATION

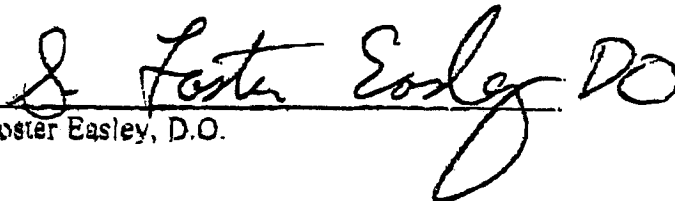
By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and S. Foster Easley, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Stipulation and the attached Consent Order; and, Respondent is aware of and understands the content of these documents.
2. Respondent understands that by entering into this Stipulation, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public records which will be disseminated as a formal action of the Board as required by A.R.S. §§ 32-1855 (L) and (K).
5. Respondent admits to the statement of facts and conclusions of law contained in the Stipulated Consent Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.


7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first obtaining Board approval.

REVIEWED AND ACCEPTED this 18 day of August, 2000.


S. Foster Easley, D.O.

STATE OF ARIZONA)
) ss
County of Maricopa)

This instrument was acknowledged before me this 18 day of August, 2000 by the above-named individual.


Notary Public
Barbara Rose, evaluation counselor.

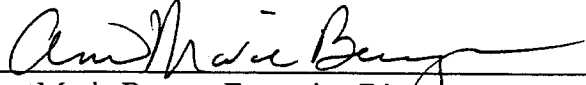
My Commission expires:

This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal Regulation (42 CFR, Part 2) prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute the patient.

REVIEWED AND APPROVED as to form by counsel for Respondent on this ____ day of August, 2000.

Counsel for Respondent

REVIEWED AND SIGNED this 22nd day of August, 2000 for the Board by:



Ann Marie Berger, Executive Director
Arizona Board of Osteopathic Examiners in Medicine
and Surgery

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:

S. FOSTER EASLEY, D.O.
Holder of License No. 3212 for the
practice of osteopathic medicine
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)
)
) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW**
) **AND CONSENT ORDER FOR**
) **SUSPENSION OF LICENSE**
)

FINDINGS OF FACT

1. S. Foster Easley, D.O., (hereafter "Respondent"), is a licensee of the Board and the holder of License No. 3212.

2. On or about January 28, 1999 the Board received a 1999 Biennial Renewal Application for Osteopathic Physicians completed and signed by Respondent. Respondent answered "yes" to question number two which stated: "Since your initial application or last renewal, have you had any problems with substance abuse or been enrolled or committed to a substance abuse program?" Respondent provided a written response stating that he was arrested and charged with possession of marijuana and property damage and he entered a diversion program.

3. Respondent answered "no" to question number one which states: "Have you since your initial application or last renewal been arrested, pled guilty to or no contest to or been convicted of a felony or a misdemeanor involving moral turpitude?"

4. On or about September 15, 1997, Respondent was arrested for possession of narcotics.

5. On April 21, 1998 Respondent was charged by the by the Maricopa County Attorney for knowingly possessing or using Cocaine, a narcotic drug, in violation of A.R.S. §§ 13-3401, 13-3408, 13-3418, 13-701, 13-702, and 13-801; knowingly possessing or using marijuana having weight of

less than two pounds in violation of A.R.S. §§ 13-3401, 13-3405, 13-3418, 13-701, 13-702, and 13-801; and recklessly defacing or damaging property, to wit: a camera, causing damage in the amount of \$250 or less, in violation of A.R.S. §§ 13-1601, 13-707 and 13-802.

alcohol test and was terminated.

6. On or about September 3, 1998 Superior Court of Arizona, Maricopa County ordered Respondent to participate in the Maricopa county Attorney\TASC Drug Diversion program and have a two year suspended sentence pending the outcome of the TASC program.

7. Respondent requested that he enter into a Stipulated Consent Order for Probation for a five-year period to include rehabilitation, practice restriction and monitoring. In public session the Board voted on August 7, 1999 that Respondent's license should be placed on a probationary status for monitoring and restriction and authorized the Board's Executive Director to sign and issue a Stipulated Consent Order regarding Respondent that follows hereinafter.

8. On or about July 1, 2000, Respondent tested positive for alcohol on his urine drug screen. Respondent provided his urine drug screen in an untimely manner, five hours after the required time.

9. In public session, the Board voted on July 10, 2000 that Respondent is medically and/or psychologically unable to engage in the practice of medicine and is an immediate threat to the health and welfare of the public.

10. Respondent requested that he enter into a Stipulated Consent Order for assessment and in-patient treatment and having completed such treatment be placed under terms of Probation for a five-year period to include rehabilitation, practice restriction and monitoring. In public session, the Board voted on August 19, 2000 that Respondent was medically and/or psychologically unable

to engage in the practice of medicine and authorized the Board's Executive Director to sign and issue a Stipulated Consent Order regarding Respondent that follows hereinafter.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to enter into a stipulated order for disciplinary action against a licensee, pursuant to A.R.S. § 41-1061(D), A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

3. The Respondent engaged in unprofessional conduct as defined in A.R.S. § 32-1854 by violating federal and state statutes and regulations:

(26) Violating a formal order, probation or a stipulation issued by the Board under this chapter.

(40) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

(41) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

4. Based upon the Findings of Fact set forth above herein, the Board concludes that it has the requisite factual basis and legal authority to order temporary suspension of Respondent's license.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. S. Foster Easley, D.O. ("Respondent"), Board license 3212 shall remain **SUSPENDED** from the practice of osteopathic medicine and surgery until he has complied with the

following terms and conditions of this agreement:

- a. Respondent will successfully complete the in-patient evaluation for possible alcohol or chemical dependency at Springbrook Northwest in Newberg, Oregon (hereinafter "Springbrook"). Should Springbrook find an assessment of chemical or alcohol dependency, Respondent will follow the recommendations for treatment.
 - b. Respondent will develop a plan for aftercare treatment and monitoring which shall include, but may not be limited to, individual and/or group counseling sessions, random body fluid testing, agreement for release of treatment records and reports to the Board, prohibition of the use of alcohol and controlled substances unless the latter is prescribed or coordinated by his treating physician, and regular meeting with the Board, and submit this plan to the Board for its approval.
2. Respondent will sign a release authorizing personnel at Springbrook to inform the Board of his progress as to his in-patient evaluation and any in-patient treatment program and will provide the Board with a copy of any and all records pertinent to his diagnosis and treatment while a patient at said facility and upon discharge.
3. Upon written request by the Respondent, Respondent will meet with the Board upon reasonable notice after discharge from Springbrook to discuss his compliance with this agreement and to discuss whether or not he should resume the practice of osteopathic medicine and the terms and conditions under which he will be allowed by the Board to resume the practice of osteopathic medicine and surgery in the State of Arizona.
4. If Respondent is allowed to resume the practice of medicine, Respondent's Board License Number 3212 will be placed under **PROBATION** for five (5) years and he shall comply with the terms and conditions of probation as set forth herein:

5. From the date of this Order, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by the Board. Respondent shall comply with the therapist recommendation for the frequency of therapy treatment sessions. Respondent shall inform the Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and, Respondent shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions until he has submitted a written request to the Board and obtained Board approval.

6. Respondent's therapist(s) shall receive a copy of this Order and Board Staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a detailed written progress report every month for the remainder of the probation; and Respondent, shall waive any confidentiality concerning his psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

7. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine. Respondent shall provide a copy of this Order to all treating physicians and dentists. Respondent shall continue to make the aforementioned disclosure and provide copies of this Consent Order until the expiration of this Order.

8. Respondent may have his license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future if:

- (A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,
- (B) There are new grounds for finding unprofessional conduct concerning Respondent; or,
- (C) Fails to comply fully with the terms and conditions of this Order.

9. Respondent shall abstain completely from the consumption of alcoholic beverages or any substance with alcohol (i.e. cough syrups); and, Respondent shall not consume illicit drugs or take any controlled substances (i.e., prescription only drugs), unless such medication is prescribed for him by his treating physician. Respondent shall maintain a monthly log (for the duration of probation) of all prescription only drugs taken by him and such log shall include the following information:

- (a) the name of the medication;
- (b) name of prescribing physician;
- (c) reason for the medication.

At the first of each month, Respondent shall report by letter to the Board whether or not he is taking any prescription only medication and, if so, a copy of his log reflecting the above information.

10. Respondent shall also, as part of his probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic

notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

11. Respondent shall participate in a minimum of three (3) self-help meetings per week through such organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent shall keep a log of all meetings attended and have the log signed by the chairperson of the meeting. Respondent will provide the Board with a copy of the signed log the first of every month.

12. In the event Respondent moves and ceases to practice medicine in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

13. Respondent shall reimburse the Board for all expenses associated with the investigation, hearing and continued monitoring of this matter.

14. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

15. The Board's Executive Director shall send correspondence to the appropriate state and/or federal law enforcement agency disclosing information in the Board's possession which may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

16. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that

Respondent fails to comply with any of the requirements of this Order.

ISSUED this 22nd day of August, 2000.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Ann Marie Berger
Ann Marie Berger, Executive Director

Served by personal service or
sending U.S. certified mail
this 23rd day of August, 2000 to:

S. Foster Easley, D.O.
7810 N. 14th Place #3010
Phoenix AZ 85020

Copy mailed this 23rd day of August, 2000 to:

Charles Buri, Esq.
6909 E. Greenway Parkway
Suite 200
Scottsdale AZ 85254

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007 (w/enclosure)

Arizona Board of Pharmacy
5060 N. 19th Ave., Suite 101
Phoenix AZ 85015

Drug Enforcement Administration
Attention: Diversion Section
3010 N. 2nd St
Phoenix AZ 85012

Gina Shepherd